

**UNAPPROVED DRAFT**  
**BOARD OF DENTISTRY**  
**MINUTES**  
**SPECIAL CONFERENCE COMMITTEE “B”**

**TIME AND PLACE:** Special Conference Committee “B” convened on September 10, 2010 at 3:00 p.m., at the Department of Health Professions, Perimeter Center, 2<sup>nd</sup> Floor Conference Center, 9960 Mayland Drive, Henrico, VA 23233.

**FIRST CONFERENCE** 3:00 p.m.

**PRESIDING:** Robert B. Hall, Jr., DDS

**MEMBERS PRESENT:** Herbert R. Boyd, III, DDS  
Misty Mesimer, RDH

**STAFF PRESENT:** Alan Heaberlin, Deputy Executive Director  
Gail Ross, Adjudication Specialist  
Donna Lee, Administrative Specialist

**QUORUM:** All three members of the Committee were present.

**Denis Peper, DDS**  
**Case No.: 123448** Dr. Peper appeared without counsel to discuss the allegations set forth in a Notice of the Board dated July 21, 2010. The Committee received statements from Dr. Peper and discussed the allegations with him.

**Closed Meeting:** Ms. Mesimer moved that the Committee convene in a closed session. The motion was seconded and passed.

**Reconvene:** Ms. Mesimer moved to certify that only matters lawfully exempted from open meeting requirements under Virginia law were heard, discussed or considered by the Committee. The motion was seconded and passed.

**DECISION:**  
**Case No. 123448** Ms. Ross reported that the Committee found Dr. Peper failed to include a list of drugs administered and the quantity in Patient A’s record and that he failed to inform Patient A of all available treatment options.

The sanctions reported by Ms. Ross were that Dr. Peper shall complete not less than 7 hours of continuing education in recordkeeping and risk management and be assessed a \$1,500 monetary penalty.

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Dr. Boyd moved to adopt the decision of the Committee. The motion was seconded and passed.

**SECOND CONFERENCE** 4:00 p.m.

**PRESIDING:** Robert B. Hall, Jr., DDS

**MEMBERS PRESENT:** Herbert R. Boyd, III, DDS  
Misty Mesimer, RDH

**STAFF PRESENT:** Alan Heaberlin, Deputy Executive Director  
Gail Ross, Adjudication Specialist  
Donna Lee, Administrative Specialist

**QUORUM:** All three members of the Committee were present.

**James W. Holley, IV,  
DDS  
Case No.: 129909** Dr. Holley appeared with his attorney Robin Duke, Esquire to discuss the allegations set forth in a Notice of the Board dated July 29, 2010. The Committee received statements from Dr. Holley and his attorney and discussed the allegations with them.

**Closed Meeting:** Ms. Mesimer moved that the Committee convene in a closed session. The motion was seconded and passed.

**Reconvene:** Ms. Mesimer moved to certify that only matters lawfully exempted from open meeting requirements under Virginia law were heard, discussed or considered by the Committee. The motion was seconded and passed.

**DECISION:**  
**Case No.: 129909** Ms. Ross reported that the Committee found Dr. Holley failed to comply with Term #2 of the Board’s Order entered January 26, 2009 by failing to submit documentation of having completed the Virginia Dental Law Examination within sixty days from entry of the Order. Dr. Holley failed to comply with Term #3 of the Board’s Order entered January 26, 2009, in that he failed to perform sufficient periodontal charting and diagnose and treat periodontal disease for several patients. Furthermore, Dr. Holley failed to document the diagnosis and treatment rendered in the patient records for several patients.

The sanctions reported by Ms. Ross were that Dr. Holley shall complete not less than 7 hours of continuing education in recordkeeping and risk management and 7 hours of continuing education in periodontal diagnosis and treatment planning, be

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assessed a \$2,000 monetary penalty and shall be continued on indefinite probation. Within 6 months of having completed his continuing education, Dr. Holley shall have 10 patient records collected by a Department of Health Professions’ investigator for review by a member of the Board of Dentistry.

Dr. Boyd moved to adopt the decision of the Committee. The motion was seconded and passed.

**Approval of Minutes**

Upon a motion by Dr. Boyd and a second by Ms. Mesimer, the minutes from the Informal Conference conducted on July 30, 2010 were approved.

**ADJOURNMENT:**

With all business concluded, the Committee adjourned at 6:22 p.m.

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Robert B. Hall, Jr., D.D.S., Chair

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Sandra K. Reen, Executive Director

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Date

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Date